

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**

SEP - 2 2005

CLERK, U.S. DISTRICT COURT

By \_\_\_\_\_ Deputy

Plaintiff,

**VS.**

**Defendant.**

**3-05 CV-1775L**  
Civil No. \_\_\_\_\_

I.

## II.

## Page 1

costs, and is between citizens of different States.

4. Venue is proper in this Court pursuant to 28 U.S.C. section 1391(a)(2).

5. This Court has personal jurisdiction over Savard because it has sufficient minimum contacts with Texas and does business in this State.

### **III.**

#### **FACTUAL BACKGROUND**

6. Globe Products is a family-owned, Texas-based company that has been manufacturing ferrules since 1981. A ferrule is a connector that couples a hose to hose barb. An example of a ferrule is the metal ring which is crimped to hold the eraser in place on pencils.

7. Over the years, Savard has ordered millions of ferrules from Globe Products. Beginning earlier this year, Savard ordered and accepted delivery of ferrules but failed to pay for them. Specifically, the following purchase orders and invoices remain unpaid:

Purchase Order #26785	April 11, 2005	
Invoice #5333	May 4, 2005	\$5,666.10
Purchase Order #26784	April 11, 2005	
Invoice #5733	May 26, 2005	\$24,927.95
Purchase Order #26926	June 3, 2005	
Invoice #6107	June 16, 2005	\$8,332.50
Purchase Order #27000	June 17, 2005	
Invoice #6203	June 22, 2005	\$9,999.00
Purchase Order #26873	May 9, 2005	
Invoice #6323	June 28, 2005	\$6,953.20
Invoice #6478	July 7, 2005	\$20,300.70

8. As a result of Savard's failure to pay the outstanding invoices, Savard owes Globe Products the amount of \$76,179.45, plus interest and attorneys' fees.

9. All conditions precedent to recovery have occurred.

**IV.**

**CAUSES OF ACTION**

**COUNT ONE: BREACH OF CONTRACT**

10. Globe Products repeats and realleges the allegations in paragraph 1-9.
11. As described above, Savard has ordered and accepted goods from Globe Products.
12. Savard has breached its obligations to Globe Products by failing to pay the outstanding invoices.
13. As a direct result of Savard's breach, Globe Products has suffered actual damages in the amount of \$76,179.45.
14. As a result of Savard's actions, Globe Products has been required to retain the undersigned counsel to prosecute this action. Accordingly, Globe Products seeks recovery of its reasonable attorneys' fees in addition to its actual damages.

**V.**

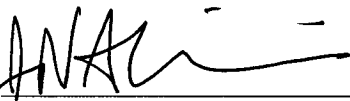
**REQUEST FOR RELIEF**

WHEREFORE Globe Products Co., Inc. respectfully requests that this Court:

- A. Enter judgment against Savard in the amount of \$76,179.45;
- B. Award Globe Products pre-judgment and post-judgment interest at the highest rates allowed by law;
- C. Award Globe Products reasonable attorneys' fees and costs; and
- D. Grant Globe Products such other and relief to which it may be entitled.

Respectfully submitted, this 2<sup>nd</sup> day of September, 2005,

**ARNETT GAUBERT, LLP**

By:   
\_\_\_\_\_  
Jamil N. Alibhai  
State Bar No. 00793248

4650 Trammell Crow Center  
2001 Ross Avenue  
Dallas, Texas 75201  
Telephone: (214) 760-0900  
Telecopy: (214) 760-0905

**ATTORNEYS FOR PLAINTIFF  
GLOBE PRODUCTS CO., INC.**

## CIVIL COVER SHEET

JS 44 (Rev. 1/00)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

GLOBE PRODUCTS CO., INC.

## DEFENDANTS

DONALD E. SAVARD COMPANY

3-05 CV-1775L

County of Residence of First Listed Plaintiff Ellis County  
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Los Angeles County  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known)

SEP - 2 2005

CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

## (c) Attorney's (Firm Name, Address, and Telephone Number)

Jamil N. Alibhai, Arnett Gaubert, 2001 Ross Ave., Ste. 4650, Dallas, Texas 75201 (214)760-0900

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                                       |                                       |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
|   | PTF                        | DEF                        |   | PTF                                   | DEF                                   |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5            | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6            |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

28 U.S.C. § 1332

Brief description of cause  
Breach of Contract

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

9/2/2005

SIGNATURE OF ATTORNEY OF RECORD

J. N. Alibhai

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE